

LAKE COUNTY PLANNING AND COMMUNITY DESIGN STAFF ANALYSIS

APPLICATION FOR CONDITIONAL USE PERMIT

LAKE COUNTY ZONING BOARD

August 1, 2007



BOARD OF COUNTY COMMISSIONERS

August 28, 2007

Case: CUP #	Case Manager: Karen Ginsberg, Senior Planner	Agenda Item #
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- Application Request -

Owner:	Wayne and Laurie Denton (the "Owner")	Applicant:	Wayne and Laurie Denton (the "Applicant")
Future Land Use:	Suburban	Zoning District:	Agricultural Residential (AR)
Land Use Density:	1 dwelling unit/ 5 acres	Zoning Density:	1 dwelling unit/ 2 acres

Requested Action: The Applicant is requesting a Conditional Use Permit (CUP) in the Agricultural Residential Zoning District to allow for a shade tent for the growing of plants (plant nursery).

- Site Information -

Size of Parcel: 9 +/- acres

Map Location: Section 33 - Township 20S - Range 26E

Location: Astatula area – located on the south side of County Road 48 between County Road 561 and Ranch Road (AK# 1098530).

Joint Planning Area: N/A

Utility Area: N/A

Site Utilities: Individual wells and septic systems

Road Classification: County Road 48 – Rural, major collector

Site Visit: June 12, 2007 **Sign(s) Posted:**

Commissioner's District: 3 (Commissioner Stivender)

SURROUNDING LAND USE		SURROUNDING ZONING	
NORTH	Low density single-family residential and vacant land	NORTH	Agriculture
SOUTH	Low density single-family residential	SOUTH	Agriculture
EAST	Low density single-family residential	EAST	Agricultural Residential
WEST	Low density single-family residential	WEST	Mixed Home Residential

- Summary of Staff Determination -

STAFF RECOMMENDATION: Staff recommends **approval with conditions** of the request for a CUP in the Agricultural Residential Zoning District to allow for a shade tent for the growing of plants (plant nursery). The owner shall adhere to the conditions as set forth in the attached Ordinance.

ZONING BOARD RECOMMENDATION:

- Summary of Analysis -

The Applicant is requesting a Conditional Use Permit (CUP) to allow for a shade tent to grow tropical plants (plant nursery), as demonstrated on the submitted conceptual plan (Exhibit "B").. The subject parcel is approximately 9 acres in size and is in the Astatula Area, Suburban Future Land Use Category (FLUC). Land Development Regulations (LDR) Table 3.01.03, Schedule of Permitted and Conditional Uses, allows Plant Nurseries in the Agricultural Residential Zoning District with the issuance of a CUP.

According to LDR Section 3.01.04 (16), Plant nurseries and greenhouses shall store all cans or containers, of whatever nature, and other equipment incidental thereto, inside Buildings or screened areas so that they are hidden from view of all property owned by others, or from any Public Road, County Road, secondary or primary state or federal Road or highway. Additionally, for the Agricultural Residential Zoning District, retail sales may be conducted from the property only where such sales are incidental to the production of the plants and not as the primary usage of the property. These items will be addressed in detail during the site plan review and approval process.

The issues of the CUP have been sufficiently addressed and the requirements of the LDR will be enforced during the site plan review and approval process. Staff supports this request for a Plant Nursery and offers a recommendation of **APPROVAL** with conditions as outlined in the attached ordinance.

- Findings of Fact -

According to the Lake County Land Development Regulations, Section 14.05.03 Standards for Review, in reviewing the application for a Conditional Use Permit, the Lake County Zoning Board and the Board of County Commissioner's shall consider:

A. Consistency with the Comprehensive Plan and Local Code (Land Development

Regulations).

Plant Nurseries are a conditional use in the Agricultural Residential Zoning District, pursuant to Land Development Regulations (LDR) Table 3.01.03, Schedule of Permitted and Conditional Uses, providing that the conditions of Section 3.01.04 (16) are met. Plant nurseries and greenhouses shall store all cans or containers, of whatever nature, and other equipment incidental thereto, inside Buildings or screened areas so that they are hidden from view of all property owned by others, or from any Public Road, County Road, secondary or primary state or federal Road or highway. Additionally, for the Agricultural Residential Zoning District, retail sales may be conducted from the property only where such sales are incidental to the production of the plants and not as the primary usage of the property. These items will be addressed in detail during the site plan review and approval process.

Per LDR Table 3.02.06, Density, Impervious Surface Ratio (ISR), Floor Area Ratio (FAR), and Height Requirements, the requirements for the Agricultural Residential zoning district are, Density 1 dwelling unit/ 2 acres, Maximum FAR 0.20, Maximum ISR 0.25, and building height is restricted to a maximum of forty (40) feet. Based on a staff analysis of the submitted conceptual plan (Exhibit "B"), these requirements are being met.

The proposed use is consistent with the general purpose, goals, objectives and standards of the Comprehensive Plan Policy 1-1.6, which promotes agricultural uses in the Suburban FLUC and LDR Table 3.01.03, which permits a plant nursery with a conditional use permit in the Agricultural Residential zoning district.

B. Effect on Adjacent Properties.

- 1. The proposed conditional use will not have an undue adverse effect upon nearby property.**

No evidence has been submitted that would deem this request as having an adverse effect on adjacent properties.

- 2. The proposed conditional use is compatible with the existing or planned character of the neighborhood in which it would be located.**

The conditional use and its associated land uses are consistent and compatible with the surrounding land uses and development patterns. The property is located in a rural area of the County that is characterized by low-density single-family residential development, agricultural uses, and vacant land. The current zoning of the subject parcel is Agricultural Residential, thus approving the CUP will not change the nature of the surrounding area.

- 3. All reasonable steps have been taken to minimize any adverse effect of the proposed conditional use on the immediate vicinity through design, landscaping, and screening.**

The requirements of LDR Section 3.01.04 16 and 9.01.01 are designed to protect

surrounding properties from the adverse effects. The site shall be developed in accordance with the requirements of LDR Section 14.09.00, the Site Plan review and approval process and the conditions as set forth in the attached ordinance.

4. The proposed conditional use will be constructed, arranged, and operated so as not to interfere with the development of the neighboring property, in accordance with applicable district regulations.

The site shall be developed in accordance with the requirements of LDR Section 14.09.00, the Site Plan review and approval process and the conditions as set forth in the attached ordinance.

C. Adequacy of Public Facilities.

The proposed conditional use will be served by adequate public facilities including but not limited to police, roads, sewage facilities, water supply, drainage, solid waste, park and recreation, schools, and fire and emergency medical facilities. Levels of service established by the Comprehensive Plan shall be considered.

Impacts on public facilities and services, if any, will be addressed by the Department of Public Works during site plan review.

The facility will be served by individual wells and septic systems. This issue will be addressed by the Health Department during the site plan review and approval process.

D. Adequacy of Fire Protection.

The applicant shall obtain from the Lake County Emergency Services Division written confirmation, or has otherwise demonstrated by substantial credible evidence, that water supply, evacuation facilities, and emergency access are satisfactory to provide adequate fire protection.

The subject parcel is located approximately six and one half (6.5) miles from Fire Station #78. Response time for this station is estimated at ten (10) to twelve (12) minutes. Public Safety and Emergency Services will address fire protection and access in detail during site plan review.

WRITTEN COMMENTS FILED: **Supportive:** **Opposition:**

FINAL ACTION BCC: